

Good morning, Chairman Perry and members of the Senate Judiciary Committee. I am Representative Dee Brown from House District 3 in the Flathead Valley, commonly known as the grizzly and huckleberry capital of Montana on the west side of Glacier Park, one of the state's favorite playgrounds.

HB150 before you today was patterned after another bill I carried in 2005. The 2005 bill had bipartisan support but included governmental agencies so it needed a super majority for its successful passage. I have eliminated governmental agencies from this bill so that the Legislature in Montana will codify inherent risk for nongovernmental providers, similar to a Wyoming bill passed several years ago.

HB 150 had support from both sides of the aisle this session, too, and that's why it is before you today for your consideration.

As more private land is closed to recreational use and liability insurance costs continue to soar for providers I hope you will consider passage of this bill. It could be one part of a possible puzzle to assure that Montana is open for business and will continue being open to recreational users, especially in a downturning economy. Anything we do in a positive direction may help us all survive.

The Montana Recreation Responsibility Act (House Bill 150) before you today, spells out that there is inherent risk while doing much of the recreation we all enjoy. People from around the world visit our state to experience the thrill of many activities and sports. My bill will clarify that there are some risks associated with being here enjoying 'wild and wooly' Montana. It's often the very reason we are picked as a destination for people visiting our state and enjoying the activities.

Many activities have already been put into Montana law, from skiing to horseback riding. How can we possibly list every recreation or future recreation in a separate category with inherent risk? I consider this bill the umbrella bill to take in those not covered

specifically in the law right now so that future legislators don't have to codify every new sport or fun adventure the dreamers come up with to provide for a client or do themselves.

HB150 will not deter a lawsuit when there is a guide or provider of the fun who hasn't taken steps for the safety of the visitor. It will not protect a land owner who just dug a ditch and didn't tell anyone about it till they crashed into it. It will, however, specify that there are risks associated with recreation, and judges or juries will be required to sift through the inherent risk and the poor guide service or lack of disclosure as a procedural part of the suit.

I hope I don't need to remind the members of this committee of the importance of tourism and recreation to our economy. We are the second largest income producer in the state behind agriculture, and I would argue that we're #1 when government subsidies are taken into account. At least we're number one in fun since an ATV ride across open spaces would hit the charts above bucking bales in my book.

I urge a 'do pass' on HB150, Chairman Perry and members of the Senate Judiciary Committee, and reserve the right to close. Thank you for your time this morning.

A handwritten signature in cursive script that reads "Dee Brown". The signature is written in black ink and is positioned above the printed name of the representative.

Representative Dee Brown, HD3

March 11, 2009